

**United States District Court
for the
Eastern District of New York**

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 21 2005 ★
BROOKLYN OFFICE

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: **Michael Wells**

Case Number **00-CR-1075**

Name of Sentencing Judicial Officer: **The Honorable Nicholas G. Garaufis, U.S.D.J.**

Date of Original Sentence: **December 6, 2002.**

Original Offense: **18 U.S.C. 1029 (a)(2), Conspiracy to Commit Credit Card Fraud, a Class D Felony.**

Original Sentence: **46 months custody, 3 Years Supervised Release, and a \$100 Special Assessment Fee. As special conditions, Your Honor ordered that the defendant pay \$98,405.05 restitution at a monthly rate of \$200, full financial disclosure, substance abuse treatment, a search condition, and a prohibition of firearms.**

Modification ordered on May 26, 2005: **The defendant shall comply with a curfew for a period of 3 months.**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **December 31, 2004.**

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

The defendant is to make monthly restitution payments in the amount of 10% of his gross monthly income.

CAUSE

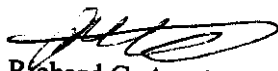
Since the offender's release from custody he has not made any restitution payments as ordered by the Court. The offender has claimed an inability to pay given his limited financial means. The offender has actively participated in the "United Staffing" employment assistance program, and he has been sporadically employed, however, there have been frequent periods of lay off. On July 5, 2005, the offender was given a 60 day deadline to secure a full-time job or enroll in vocational training. The offender is also actively participating in substance abuse treatment at the Counseling Services EDNY program, and he has been cooperative with treatment.

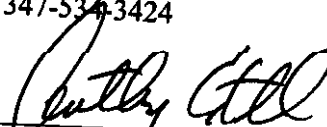
The Probation Department believes that the offender does not currently have the means to comply with the \$200 monthly restitution order. It is respectfully recommended that the offender's restitution order be amended to 10% of his gross monthly income. This modification will allow the offender to make payments commensurate with his current financial status.

Should the offender fail to obtain full-time employment within 60 days, we will notify your Honor accordingly with a recommendation.

Enclosed please find Prob 49 signed by the subject agreeing to the aforementioned special condition.

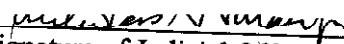
Respectfully submitted by:

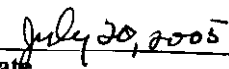

Richard C. Azarian
Sr. U.S. Probation Officer
347-534-3424

Approved by: 
Anthony Castellano
Supervising U.S. Probation Officer
Date: 7-15-05

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ The Extension of Supervision as Noted Above
☐ No Action
☐ Other


Signature of Judicial Officer


Date

United States District Court
EASTERN DISTRICT OF NEW YORK

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant is to make monthly restitution payments in the amount of 10% of his gross monthly income.

Witness: _____


U.S. Probation Officer

Signed: _____


Probationer or Supervised Releasee

7/5/05
Date